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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,230	04/19/2001	Hiroshi Tanaka	KOS0009-US	7582

27510 7590 02/08/2005  
KILPATRICK STOCKTON LLP  
607 14TH STREET, N.W.  
WASHINGTON, DC 20005

EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/837,230

Applicant(s)

TANAKA ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-11-03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group III, claims 7-9 and 12-13 in the reply filed on November 15, 2004 is acknowledged.

Claims 1-6 and 10-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 15, 2004.

Applicant's is respectfully requested to cancel the non-elected claims in response to the Office action.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 11, 2003 is being considered by the examiner. However, Japanese Patent Publication No. 62-55767 (1987) is not being considered because there was no English abstract or translation of the Patent Publication.

### ***Drawings***

The drawings filed on April 19, 2001 are acceptable.

### ***Claim Rejections - 35 USC § 101***

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-9 are rejected under 35 U.S.C. 101 because it fails to recite **computer executable** instructions. The claims are directed to recording medium. Giving the term its broadest reasonable interpretation, the claims are directed to a program per-se and a program instruction. Accordingly, the claim fails to recite a positive functional interrelationship between the medium and the activities recited. Please refer to MPEP 2106.

Claims 12-13 are rejected under 35 U.S.C. 101 because it fails to recite **computer executable** instructions in a computer readable medium. The claims are directed to a program. Giving the term its broadest reasonable interpretation, the claims are directed to a program per-se and a program instruction. Accordingly, the claim fails to recite a positive functional interrelationship between the medium and the activities recited. Please refer to MPEP 2106.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-9, 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite,

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failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,002,854 to Lynch et al. in view of the article "Desktop lifting".**

Regarding claims 7 and 12, Lynch discloses a recording medium (computer readable medium) and electronic catalog (configuration system) which can select a specific product a user requests (accepts input in the form of requests such as components or resource, col. 5, lines 43-45; col. 5, lines 31-33) and in which a system selecting means for selecting a system of the product and a model number selecting means for selecting a model number of the product from the system selected (see at least col. 5, lines 51-56; col. 7, lines 15-30).

However, Lynch does not disclose the system being a crane, a moving system of the crane. Lynch discloses a tool for configuring a wide range of domains such as construction equipment (col. 8, lines 22-23). The type of system being a crane and a moving system of the crane is given little patentable weight because it imparts no

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structural or functional specificity which serves to patentably distinguish the instant invention from the other systems already disclosed by Lynch.

Nonetheless, the article "Desktop lifting" teaches crane system and moving system (whole article).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the recording medium of Lynch, to include the crane and moving system, as taught by the article "Desktop lifting", in order to provide the optimum crane configuration (the article).

Regarding claims 8-9 and 13, Lynch discloses the recording medium or electronic catalog program (configuration system) for a system or model element which can select a specific model element a user requests in which an operating condition inputting means for inputting operating conditions of the element and a specifying means for specifying the element are recorded (col. 5, lines 29-42; col. 7, lines 3-22; col. 8, lines 35-48); and the selection of a system and the model number are made on the basis of input values stored in the storing means for the operating condition inputting means (see at least col. 5, lines 51-56; col. 7, lines 15-30).

However, Lynch does not disclose the element being chain blocks and the inputting of the operating condition and specifying means is for the chain block. Furthermore, Lynch does not disclose the system being a crane. Lynch discloses a tool for configuring a wide range of domains such as construction equipment (col. 8, lines 22-23). The type of element being chain blocks and the inputting of the operating condition and specifying means is for the chain block and the system being a crane are

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given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other systems and element already disclosed by Lynch.

Nonetheless, the article "Desktop lifting" teaches the operating condition inputting means for a chain block, chain block specifying means; and crane specifying means (the selecting of the optimum configuration for a crane and provides a load capacity program that works out the maximum load for any given configuration of any crane whose data has been previously inputted (whole article; Diagram of Lift Planner)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the recording medium of Lynch, to include the crane and moving system, as taught by the article "Desktop lifting", in order to provide the optimum crane configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the recording medium and electronic catalog program of Lynch, to include the crane and moving system, as taught by the article "Desktop lifting", in order to provide the optimum chain block and crane configuration.

### ***Conclusion***

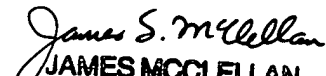
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot  
February 4, 2005

  
JAMES MCCLELLAN  
PRIMARY EXAMINER